

*City of Northampton Board of Health
Food Establishment Regulation*

A. Purpose

The purpose of this regulation is to safeguard public health and provide to consumers food that is safe, unadulterated, and honestly presented.

B. Authority

This regulation is promulgated under the authority granted to the City of Northampton Board of Health pursuant to Massachusetts General Laws Chapter 111, Section 31 that "boards of health may make reasonable health regulations.

C. Definitions

As used in this regulation, the following words shall have the following meanings, unless the context requires otherwise:

Bed & Breakfast Establishment: Means a private, owner-occupied house where four or more rooms are let and breakfast is included in rent.

Bed & Breakfast Home: Means a private, owner-occupied house where three or fewer rooms are let and breakfast is included in the rent.

Continental Breakfast: means a breakfast meal restricted to the following foods:

- (a) Beverages such as coffee, tea and fruit juices;
- (b) Pasteurized Grade A milk;
- (c) Fresh fruits;
- (d) Frozen and commercially processed fruits;
- (e) Baked goods, such as pastries, rolls, breads, and muffins which are nonpotentially hazardous food;
- (f) Cereals;
- (g) Homemade or commercial jams, jellies, honey and maple syrup;
- (h) Pasteurized Grade A creams and butters, non-dairy creamers or similar products;
- (i) Commercially manufactured hard cheeses, commercially manufactured cream cheese and commercially manufactured yogurt.

Cottage Food Operation: Means a person who produces cottage food products only in the home kitchen of that person's primary domestic residence and only for sale directly to the consumer.

Cottage Food Products: Means non-time/temperature control for safety baked goods, jams, jellies, and other non-time/temperature control for food safety foods produced at a cottage food operation.

Food Establishment:

(1) "Food establishment" means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption:

- (a) Such as a restaurant; satellite or catered feeding location when these locations are equipped with facilities to prepare, store or serve food; catering operation if the operation provides food

A true copy

Attest:

City Clerk

directly to a consumer or to a conveyance used to transport people; market; retail bakery; vending location; institution; food bank; residential kitchens in bed and breakfast homes and bed and breakfast establishments; residential kitchens for a cottage foods operations and,

(b) That relinquishes possession of food to a consumer directly, or indirectly through a delivery service such as home delivery of grocery orders or restaurant takeout orders, or delivery service that is provided by common carriers.

(2) "Food establishment" includes:

(a) An element of the operation such as a transportation vehicle or a central preparation facility that supplies a vending location or satellite feeding location unless the vending or feeding location is permitted by the regulatory authority(FC); and

(b) An operation that is conducted in a mobile, stationary, temporary, or permanent facility or location; where consumption is on or off the premises; and regardless of whether there is a charge for the food.

(c) As establishment that offers only prepackaged foods that are not time/temperature control for safety foods.

(3) "Food establishment" does not include:

(a) An operation that only offers whole, uncut fresh fruits and vegetables, unprocessed honey, pure maple products, or farm fresh eggs which are stored and maintained at 45 degrees Fahrenheit (7.2 degrees Celsius) or below;

(b) A food processing plant; including those that are located on the premises of a food establishment;

(c) A residential kitchen if only food that is not time/temperature control for safety food, is prepared for sale or service at a function such as a religious or charitable organization's bake sale if allowed by law and if the consumer is informed by a clearly visible placard at the sales or service location that the food is prepared in a kitchen that is not subject to regulation and inspection by the regulatory authority;

(d) A residential kitchen that prepares food for distribution to a charitable facility in accordance with M.G.L c. 94, § 328;

(e) An area where food that is prepared as specified in 105 CMR 590.001(C)(1): Food Establishment (3)(d) is sold or offered for human consumption;

(f) A kitchen in a private home, such as a family day-care provider;

(g) A private home that receives catered or home-delivered food;

(h) Cooking classes that are held for educational purposes only.

Permit: Means the document issued by the regulatory authority that authorizes a person to operation a food establishment.

Permit Holder: Means the entity that:

- (a) Is legally responsible for the operation of the food establishment such as the owner, the owner's agent, or other person; and
- (b) Possesses a valid permit to operate a food establishment.

Person: Means an association, a corporation, individual, partnership, other legal entity, government, or governmental subdivision of agency.

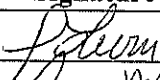
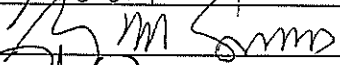
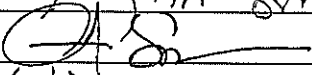
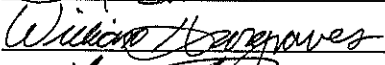
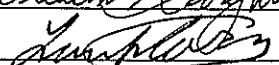
D. Responsibility of Permit Holders

- (a) It shall be the responsibility of permit holders of food establishments to obtain a valid Food Establishment permit from the Northampton Board of Health prior to operation and annually as the food establishment exists.
- (b) Food establishments shall comply with the 2013 FDA Food Code Merged with 105 CMR 590.

E. Effective Date

This regulation shall be effective as of 6-27-19

Signatures:

Name	Signature	Date
Joanne Levin, MD, Chair		6.27.19
Suzanne Smith, MPH, MD		6-27-19
Cynthia Suopis, PhD		6.27.19
William Hargraves		6-27-2019
Laurent Levy, PhD		June 27, 2019

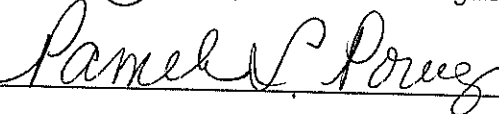
Voted on at an open meeting of the Northampton Board of Health on 6-27-19.

A posted public hearing was held on 6-27-19.

I, Merredith O'Leary, certify that the above Regulation passed in a meeting of the Board of Health held on June 27, 2019.

Attest: , Director of Public Health

I, Pamela L. Powers, certify that the above regulation was received in the City Clerk's office on July 1, 2019

Attest: , City Clerk